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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/769,938	01/26/2001	Mark Alexander Barros	PT03398U	6144

7590 02/24/2004

Motorola, Inc.  
Intellectual Property Section  
Law Department  
1500 Gateway Blvd  
Boynton Beach, FL 33426-8292

EXAMINER

TO, BAOQUOC N

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 02/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/769,938

Applicant(s)

BARROS ET AL.

Examiner

Baoquoc N To

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11/21/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. Claims 1-24 are pending in this application.

***Response to Arguments***

2. Applicant's arguments filed 11/21/03 have been fully considered but they are not persuasive.

The applicant argues "there is absolutely no disclosure in Delorne of sorting according to proximity of a related zone of data records in relation to a position of user."

The examiner respectfully disagrees with the above argument because Delorne states "POI inputs are transferred and transform within the interform of a list of POIs found in proximity to a route previously computed, as revealed at 303 and detailed hereafter in relation to FIGS. 5, 6A & 6B" (col. 44, lines 35-39). An inputted POI is the user location. Secondly, the found list POIs are the sorted records and the proximity is the zoned that found the list of POIs.

The applicant argues "there is no motivation to combine Stilp et al. with Wakabayashi et al."

The examiner disagrees with the above argument because Stilp suggests "a wireless system that access location records in real time or non-real time, create or delete certain type of triggers, or cause the Wireless Location System to take other actions...." (col. 6, lines 53-67 and col. 7, lines 1-6). This access the database record in real time means the location of the user. The records are data, which are also e-mail or mail. Therefore, Stilp suggests creating a trigger wherein the trigger is sorting data

Art Unit: 2172

system based on a location. For example, the Wakabayashi is the mail sorting system based on the detecting of postal zone numbers.

Please see the same argument for all dependent claims

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-8 and 19-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLorme et al. (US 6321158131).

With respect to claims 1 and 19, DeLorme discloses combining your Palm Computing organizer with DeLorme's GPS receiver gives you dynamic maps and Route Directions that you can follow as you travel. As you progress from your Start to Finish, your position is indicated on the map and the next road you'll be traveling is highlighted in the Directions list. In addition, Solus Pro displays your next route change and indicates how far away it is in distance and time-your organizer will even beep 60 seconds before your next turn, (col. 18, lines 59-68) as step of determining a position of a user with a zone. A typical operation or program can begin on the multimedia side 209 with user entry of one or more points of interest (POIs) selected by the user inputting individual POIs or by databases searches, sorting for specific predefined types of POI, related characteristics, or linked data or information using the underlying GIS 201. In FIG. 2, to set up a presentation of multimedia place information, the user can perform individual or manual POI input at step 243. For example, a vacation traveler can request multimedia information on two or three popular resort locations recommended by friends, ads or travel articles by using well known data entry methods such as keying in the resort names, or nearest place name, or geographic coordinates. This system 200 is further able to locate individual POIs for input is enabling a user to select from list of place names, or through linked phone exchange, zip code or geographic coordinate data. The user can engage in manual input of individual POIs by clicking at points, symbols or place name on the map display, (col. 30, lines 27-46) as step of sorting data records, wherein said data records are associated with a related zone. DeLorme does not explicitly teach: wherein sorting is according to proximity of said related zone of said data records in relation to said position of the user. However, as taught by DeLorme, the

Art Unit: 2172

system also enables to generation and modification of lists of POI inputs by various methods for database searching and sorting well known in the art of computer programming. In a typical usage of the system, the multimedia mode of operation of the invention is invoked at C, deploying the command and user option arrangements illustrated in FIG. 3. POI inputs are transferred and transformed within the interaction block 207 into the multimedia subsystem 209 in the form of a list of POIs found in proximity to a route previously computed, as revealed at 303 and detailed hereafter in relation to FIGS. 5, 6A & 6B. Step 303 deals with output from a previous operation of routing, transferred from the routing subsystem and transformed into multimedia input for processing, subject of the user options and command organization shown in FIG. 3. In this fashion, the user is enabled to selectively experience multimedia information about locations and points of interest along the way or within a user-defined region around, i.e., circumscribing an optimal route already computed. Steps 309, 315 and 325 enable the user to return to and modify the previous route or travel plan output which changes typically based on the user's responses to an intervening IRMIS system multimedia presentation, (col. 44, lines 32-50). Thus, the searching results can be sorted by proximity of the related user position. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify DeLorme by including sorting is according to proximity of said related zone of said data records in relation to said position of the user in order to modify travel routes can be previewed with further multimedia travelogs until a satisfactory travel route is achieved, (col. 1, lines 47-49).

As to claims 2, 20 and 24, DeLorme further discloses resorting said data record upon change in said position of the user, (col. 18, lines 59-68).

As to claim 3, DeLorme further discloses dynamically detecting said change position of the user, (col. 18, lines 59-68); resorting said data record upon a change is said position of the user to within another zone, (col. 18, lines 59-68); resorting upon detecting a change in said position of the user to a new zone, (col. 74, lines 43-63); resorting upon receiving a resort request, (col. 74, lines 43-63); resorting upon receiving a resort request from the user, (col. 74, lines 43-63); polling a device associated with the user to determine said change in the position of the user, (col. 74, lines 43-63).

As to claim 4, DeLorme further discloses determining said zone of said position of the user, (col. 18, lines 59-68); receiving said position of the user, (col. 18, lines 59-68); and polling a device associated with the user to determine said position of the user, (col. 74, lines 43-63).

As to claim 5, DeLorme further discloses items on a shopping list, wherein said zone comprises at least one of an aisle and a floor in a store, (col. 74, lines 43-63); items slated for delivery comprising at least one of mail and package, (col. 71, lines 45-64); radio stations, wherein zones comprises a geographic area, (col. 12, lines 63-col. 13, lines 8); attractions at a theme park, wherein said zones comprises at least one of events rides, restaurants, and buildings of said theme park, (col. 74, lines 43-63).

As to claim 6, DeLorme further discloses sorting said data record based on a sorting index, (col. 44, lines 30-43); and sorting said data records based on another sorting index, (col. 44, lines 30-43).

Art Unit: 2172

As to claim 7, DeLorme further discloses cost, (col. 37, lines 61-63); times (col. 35, lines 25-26); duration, (col. 35, lines 25-26); distance, (col. 35, lines 25-26); alphabetical order, (col. 50, lines 45-49); wait time (col. 10, lines 31-33).

As to claim 8, DeLorme further discloses a user identifiable zone, (col. 18, lines 59-68); and a non-user identifiable zone, (col. 18, lines 59-68).

With respect to claims 21 and 23, DeLorme discloses combining your Palm Computing organizer with DeLorme's GPS receiver gives you dynamic maps and Route Directions that you can follow as you travel. As you progress from your Start to Finish, your position is indicated on the map and the next road you'll be traveling is highlighted in the Directions list. In addition, Solus Pro displays your next route change and indicates how far away it is in distance and time-your organizer will even beep 60 seconds before your next turn, (col. 18, lines 59-68) as step of a position detector operative to determining a position of a user within a zone. DeLorme does not explicitly teach: proximity sorter operative to sort data records according to proximity to said position of the user. However, as taught by DeLorme, the system also enables to generation and modification of lists of POI inputs by various methods for database searching and sorting well known in the art of computer programming. In a typical usage of the system, the multimedia mode of operation of the invention is invoked at C, deploying the command and user option arrangements illustrated in FIG. 3. POI inputs are transferred and transformed within the interaction block 207 into the multimedia subsystem 209 in the form of a list of POIs found in proximity to a route previously computed, as revealed at 303 and detailed hereafter in relation to FIGS. 5, 6A & 6B. Step 303 deals with output from a previous operation of routing, transferred from the routing subsystem and transformed into multimedia input for processing, subject of the user options and command organization shown in FIG. 3. In this fashion, the user is enabled to selectively experience multimedia information about locations and points of interest along the way or within a user-defined region around, i.e., circumscribing an optimal route already computed. Steps 309, 315 and 325 enable the user to return to and modify the previous route or travel plan output which changes typically based on the user's responses to an intervening IRMIS system multimedia presentation, (col. 44, lines 32-50). Thus, the searching results can be sorted by proximity of the related user position. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify DeLorme by including proximity sorter operative to sort data records according to proximity to said position of the user in order to modify travel routes can be previewed with further multimedia travelogs until a satisfactory travel route is achieved, (col. 1, lines 47-49).

As to claim 22, DeLorme further discloses a proximity resorter operative to resort said data records upon a change in said position of the user, (col. 18, lines 59-68).

Art Unit: 2172

4. Claims 9-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stilp et al. (US 6519465132) in view of Wakabayashi et al. (US 5794222).

With respect to claim 9, Stilp discloses the AP's 14 are responsible for managing all of the resources in the Wireless Location System, including all of the SCS's 10 and TLP's 12. Each AP 14 also contains a specialized database that contains "triggers" for the Wireless Location System. In order to conserve resources, the Wireless Location System can be programmed to located only certain pre-determined types occurs, when the Wireless Location System is triggered to begin location processing. Otherwise, the wireless Location System may be programmed to ignore the transmission. Each AP 14 also contains applications to securely access the Wireless Location System. These applications may, for example, access location records in real time or non-real time, create or delete certain type of trigger, or cause the Wireless Location System to take other actions. Each AP 14 is also capable of certain post-processing functions that allow the AP 14 to combine a number of location records to generate extended reports or analyses useful for applications such as traffic monitoring or RF optimization, (col. 6, lines 53-col. 7, lines 6) as step of a processor operative to access a plurality of records an position information. Stilp discloses Location Record Group, Sorting, and Labeling-The Wireless Location System include means to post-process the location records for certain requesting applications to group, sort, or label the location records, (col. 49, lines 4953). However, Stilp does not teach wherein the processor is operative to sort said plurality of records based on a first detected position. Wakabayashi teaches the sorting machine 12 serving, as the data-reading device as explained above is structure as shown in FIGS. 4 and 5. having in order form the right to left (with reference to FIG. 4) a mail-receiving tray 26. A sorting (by size) part 27 for separating oversize mails form regular size mails, an aligning-stamping part 28 having at the same place both analigning unit 18A (shown in FIG. 5) for aligning collected mails a and a stamping unit 18B (shown in FIG5) for date-stamping them, a reading part 29 for using an image processor or a bar code reader to detect a stamped image and a postal zone number, and a classifier 30 for automatically sorting the mails A according to the detected postal zone number, (col. 4, lines 1-14) as step of wherein the processor is operative to sort said plurality of records based on a first detected position. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the sorting record in Stilp by including the processor is operative to sort said plurality of records based on a first detected position as taught in Wakabayashi. By doing so, the system can be detected fraud easily by matching data retrieved, (col. 2, lines 18-22).

As to claim 10, Stilp discloses Location Record Group, Sorting, and Labeling-The Wireless Location System include means to post-process the location records for certain requesting applications to group, sort, or label the location records, (col. 49, lines 49-53). However, Stilp does not teach wherein said processor is further operative to resort said records based on a second detect position. Wakabayashi teaches the sorting machine 12 serving as the data-reading device as explained above is structure as shown in FIGS. 4 and 5. having in order form the right to left (with reference to FIG.

Art Unit: 2172

4) a mail-receiving tray 26. A sorting (by size) part 27 for separating oversize mails from regular size mails, an aligning-stamping part 28 having at the same place both an aligning unit 18A (shown in FIG. 5) for aligning collected mails and a stamping unit 18B (shown in FIG5) for date-stamping them, a reading part 29 for using an image processor or a bar code reader to detect a stamped image and a postal zone number, and a classifier 30 for automatically sorting the mails A according to the detected postal zone number, (col. 4, lines 1-14) as step of wherein the processor is operative to sort said plurality of records based on a first detected position. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the sorting record in Stilp by including the processor is operative to sort said plurality of records based on a first detected position as taught in Wakabayashi. By doing so, the system can be detected fraud easily by matching data retrieved, (col. 2, lines 18-22).

As to claim 11, Stilp further discloses a detector operative to detect a change in position of a user device, (col. 15, lines 15-49).

As to claim 12, Stilp further discloses a positioning device, (col. 37, lines 33-51); a global positioning system, (col. 37, lines 33-51); a receiver operative to receive position information, (col. 37, lines 33-51); three or more receivers operative to detect be triangulating said position, (col. 37, lines 33-51).

As to claim 13, Stilp further discloses a transmitter operative to transmit said change position of said user device, (col. 37., lines 33-51).

As to claim 14, Stilp further disclose a storage device operative to store and retrieve said record and position information, (col. 6, lines 53-68).

As to claim 15, Stilp further disclose a zone detector operative to receive zone information, (col. 35, lines 36-42).

As to claim 16, Stilp further discloses wherein said zone detector is responsive to said zone information wherein said zone information is externally definable, (col. 35, lines 36-42).

As to claim 17, Stilp further discloses a user signal, (col. 28, lines 33-63); a network signal, (col. 28, lines 33-68).

As to claim 18, Stilp further discloses a user input signal, (col. 28, lines 33-63); a network signal, (col. 28, lines 33-63); a position detector, (col. 18, lines 35-63); a user identifiable zone, (col. 18, lines 35-63); and a non-user identifiable zone, (col. 18, lines 35-63).

### **Conclusion**

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within



TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Contact Information***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is (703) 305-1949 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached at (703) 305-9790.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231.

The fax numbers for the organization where this application or proceeding is assigned are as follow:

(703) 872-9306 [Official Communication]

Hand-delivered responses should be brought to:

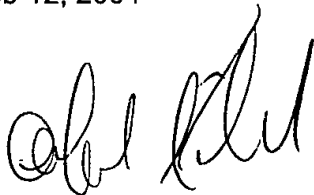
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Application/Control Number: 09/769,938  
Art Unit: 2172

Page 9

Arlington, VA 22202  
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Baoquoc N. To  
Feb 12, 2004

A handwritten signature in black ink, appearing to read 'Alford Kindred', written in a cursive style.

**ALFORD KINDRED**  
**PRIMARY EXAMINER**